

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Anthony Calzada v. Dr. Larry Williamson, et al.

Case No. 2:22-cv-02050-GMN-NJK; Docket No. 86 · No. 2:22-cv-02050-GMN-NJK; Docket No. 86 · Decided
December 23, 2025

SUMMARY

The United States District Court for the District of Nevada denied a defendant’s motion seeking dismissal sanctions. The court found the motion insufficiently developed and unsupported by adequate legal authority, including because it relied on uncitable unpublished Ninth Circuit dispositions and did not meaningfully address the required showing of willfulness, bad faith, or fault.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Nancy J. Koppe
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 23, 2025
DOCKET	2:22-cv-02050-GMN-NJK; Docket No. 86
DISPOSITION	denied
PROCEDURAL POSTURE	Defendant moved for dismissal sanctions based on Plaintiff's alleged failure to respond to discovery. The court denied the motion.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Dr. Larry Williamson, et al. v. Anthony Calzada

TOPICS

- sanctions
- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery sanctions
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Defendant's motion adequately supported the drastic sanction of dismissal for alleged discovery noncompliance.

2. Whether the motion established or meaningfully addressed the required showing of willfulness, bad faith, or fault.

HOLDINGS

1. A motion seeking dismissal as a discovery sanction must meaningfully address the applicable multi-factor analysis and provide a sufficiently developed factual and legal showing; Defendant's motion did not do so and was denied.
2. The motion did not make the developed showing of willfulness, bad faith, or fault necessary to support dismissal as a sanction.

KEY QUOTATIONS

“dismissal is not a sanction to be invoked lightly.” (at 1)

“In short, the instant motion is insufficiently developed and supported for a finding that the extreme sanction of dismissal should be imposed on Plaintiff.” (at 1)

FACTUAL BACKGROUND

Defendant sought dismissal as a sanction based on Plaintiff's alleged failure to respond to discovery while incarcerated and proceeding pro se. The motion relied primarily on the length of time Plaintiff possessed the discovery, the volume of discovery, and Plaintiff's failure to respond. The court noted that the motion did not meaningfully address whether the circumstances of Plaintiff's incarceration and pro se status affected the required bad-faith analysis.

PROCEDURAL HISTORY

The defendant filed a motion for dismissal sanctions at Docket No. 86. The court determined that the motion was inadequately developed and unsupported, including because it failed to meaningfully address the applicable multi-factor analysis and the required showing of willfulness, bad faith, or fault. The court issued a corrected order to clarify that it was resolving the sanctions motion rather than a summary-judgment motion, and instructed the Clerk to strike the prior order and revive the summary-judgment motion.

DISPOSITION

denied

CASES CITED

- Cobb v. United States, 2022 WL 1308114, at *1 n.1 (D. Nev. May 2, 2022)
- Taddeo v. Am. Invsco Corp., 2015 WL 751072, at *1 (D. Nev. Feb. 20, 2015)
- Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989)
- Lall v. Corner Inv. Co., 2022 WL 22883685, at *1 (D. Nev. Jan. 12, 2022)
- Mendez v. Fiesta Del Norte Home Owners Assoc., 2016 WL 1643780, at *2 (D. Nev. Apr. 26, 2016)
- Wisdom v. Easton Diamond Sports, LLC, 2018 WL 6264994, at *2 n.3 (C.D. Cal. Oct. 9, 2018)

OPINION

Calzada

PER CURIAM.

1 2 3 4

UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

6 7 Anthony Calzada, Case No. 2:22-cv-02050-GMN-NJK 8 Plaintiff(s),

CORRECTED ORDER¹

9 v. [Docket No. 86] 10 Dr. Larry Williamson, et al., 11 Defendant(s). 12 Pending before the Court is Defendant's motion for dismissal sanctions. Docket No. 86.2 13 Parties seeking significant relief are expected to support their request with a 14 correspondingly robust factual showing and legal argument. See, e.g., *Cobb v. United States*, 15 2022 WL 1308114, at *1 n.1 (D. Nev. May 2, 2022) (citing *Taddeo v. Am. Invsco Corp.*, 2015 16 WL 751072, at *1 (D. Nev. Feb. 20, 2015)). Stated bluntly, "dismissal is not a sanction to be 17 invoked lightly." *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989). 18 The instant motion fails on several levels. It seeks the drastic sanction of dismissal through 19 a memorandum consisting of roughly three pages of text, followed by roughly one page of factual 20 "certification[s]." Docket No. 86 at 2-6. The motion does not address in direct or meaningful 21 fashion how the well-established multi-factor analysis supports a dismissal sanction, a 22 shortcoming that alone warrants denial of the motion. See, e.g., *Lall v. Corner Inv. Co.*, 2022 WL 23 22883685, at *1 (D. Nev. Jan. 12, 2022). In addition, the motion acknowledges that a finding of 24 1 This corrected order is being issued to address a typographical error in the original order. 25 Docket No. 99. The order is resolving the motion for sanctions, Docket No. 86, and not the motion for summary judgment, Docket No. 85. The Clerk's Office is INSTRUCTED to strike the order 26 at Docket No. 99 and to revive the motion for summary judgment at Docket No. 85. 27 2 The Court has discretion to grant a motion as unopposed, see Local Rule 7-2(d), but it is not required to do so, see, e.g., *Mendez v. Fiesta Del Norte Home Owners Assoc.*, 2016 WL 28 1643780, at *2 (D. Nev. Apr. 26, 2016). 1} willfulness, bad faith, or fault is required to obtain the relief sought, but meaningfully developed 2|| argument is not presented on that issue. Instead, the motion contends that the Court must infer 3} bad faith given the length of time Plaintiff possessed the discovery, the volume of discovery, and 4} Plaintiffs failure to respond to the discovery. See *id.* at 4. No legal authority is presented in 5], support of that position, including no case law addressing whether the circumstances attendant to 6] a pro se plaintiff's incarceration may be pertinent to analyzing potential bad faith in failing to 7|| respond to discovery. Cf Docket No. 84 (identifying apparent difficulties). 8 If the above deficiencies were not enough, the only cases cited in support of this request 9] are two unpublished Ninth Circuit memorandum dispositions from 1997 and 1999. See Docket 10] No. 86 at 3. Counsel was prohibited from citing these dispositions. See 9th Cir. R. 36-3(c) 11] ('Unpublished dispositions

and orders of this Court issued before January 1, 2007 may not be cited to the courts of this circuit” except in limited circumstances not present here).?_As such, this motion seeking the extreme remedy of dismissal is not supported by any citable case law. 14 In short, the instant motion is insufficiently developed and supported for a finding that the 15|| extreme sanction of dismissal should be imposed on Plaintiff. Accordingly, the motion is 16] DENIED. 17 IT IS SO ORDERED. 18 Dated: December 23, 2025 Nancy J. Koppe 20 United States Magistrate Judge 21 22 23 > This is not an obscure rule hidden away in the basement of a distant library, but rather is well-known to practitioners in federal court. At any rate, the rule is identified prominently in each 24| of these memorandum dispositions themselves both on the top of the document and in a footnote that explains specifically that “[t]his disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.” It is unclear how these explicit warnings were missed here. Hence, counsel has sought severe sanctions against a pro se prisoner by filing a motion in a manner that itself could warrant sanctions, see, e.g., *Wisdom v. Easton Diamond Sports, LLC*, 2018 WL 6264994, at *2 n.3 (C.D. Cal. Oct. 9, 2018) (warning 27| of sanctions for violating the Ninth Circuit’s non-citation rule), in a case in which that attorney has already been cautioned that “he must comply with all orders, comply with all applicable rules, and 28] devote sufficient attention to this case,” Docket No. 80 at 1.